

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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JEDEDIAN BELLOT,  
  
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, a political subdivision of Clark  
County, Nevada; DOUGLAS C. GILLESPIE, in  
his official capacity as Sheriff of the Las Vegas  
Metropolitan Police Department; MARC  
VISKOC, individually and in his official capacity  
as a Police Officer with the Las Vegas  
Metropolitan Police Department; Police Officer  
DOES 1 through 10, inclusive, and ROE  
CORPORATIONS 1 through 10, inclusive,  
  
Defendants.

2:13-cv-00060-APG-VCF

**ORDER**

**(Motion to Compel #13, Motion for Attorney  
Fees #14, and Motion to Withdraw as Attorney  
#15)**

Before the Court is Defendants Las Vegas Metropolitan Police Department, a political subdivision of Clark County, Nevada; Douglas C. Gillespie, in his official capacity as Sheriff of the Las Vegas Metropolitan Police Department's (hereinafter "Defendants") Motion to Compel. (#13). No opposition was filed.

Also before the Court is Defendants' Motion for Attorney Fees and Costs. (#14)<sup>1</sup>. No opposition was filed.

Also before the Court is Plaintiff Jededian Bellot's Counsel's Motion to Withdraw As Attorney of Record. (#15). No opposition was filed.

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<sup>1</sup>On May 15, 2013, Defendants filed a single document titled "Motion to Compel and Award of Costs and Fees." In accordance with Special Order 109, the document was split into two Motions addressing each request for relief individually. This order will refer to both Motions collectively as Defendants' Motion to Compel (#13).

**I. Background**

Plaintiff Bellot brought this action against Defendants on December 17, 2012, in the Eighth Judicial District Court, Clark County, Nevada, relating to Plaintiff's arrest and subsequent imprisonment. *Id.* In the complaint, Plaintiff asserts claims for (1) violation of 42 U.S.C. § 1983, (2) false arrest, (3) false imprisonment, (4) intentional infliction of emotional distress, (5) civil conspiracy, and (6) negligent hiring, training, supervision, and control, and seeks damages in excess of \$10,000. *Id.* On January 14, 2013, Defendants removed the action to this Court based on federal question jurisdiction, pursuant to 28 U.S.C. § 1343. *Id.*

On February 5, 2013, the Court signed the Discovery Plan and Scheduling Order, setting the deadline for discovery on July 15, 2013, Dispositive Motions on August 14, 2013, and a Proposed Joint Pretrial Order on September 13, 2013. (#8). On May 16, 2013, Defendants filed the present Motion to Compel (#13), stating that "Plaintiff has outright refused to answer the written discovery served upon him and due well over two months ago." (#13). Defendants aver that they have attempted to remind Plaintiff "of his obligations to respond" to the discovery requests by written letter on March 8, and April 23, 2013, and by telephone on April 10, and May 15, 2013; however, "[t]o date, Plaintiff still has not. . . made any attempt to contact defense counsel. . . regarding the overdue discovery." *Id.* Defendants also request that, pursuant to Rule 37(a)(5) of the Federal Rules of Civil Procedure, if the Court grants Defendants' Motion to Compel (#13), it should also award "reasonable expenses, including attorneys' fees" to Defendants. *Id.* Responses to Defendants' Motion (#13) were due by June 2, 2013, but no opposition was filed against either request for relief. *Id.*

On May 30, 2013, Plaintiff's Counsel filed a Motion to Withdraw as Attorney. (#15). Plaintiff's Counsel made this request because Counsel "cannot fully represent this client due to his lack of cooperation with [Counsel's] office." *Id.*

## II. Discussion

Pursuant to Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” LR 7-2. With respect to the Motions presently before the Court (##13, 14, 15), neither party has filed any Responses. Plaintiff has failed to respond to Defendants’ discovery requests and has not shown the diligence expected of him in pursuit of his claim. The goal of all civil actions is to “secure the just, speedy, and inexpensive determination of every action and proceeding.” FED. R. CIV. P. 1. The Court therefore grants Defendants’ Motion to Compel (#13) and awards Defendants the attorney costs and fees associated with this Motion (#13). Plaintiff will have thirty (30) days from the signing of this Order to comply with Defendants’ discovery requests and to pay Defendants’ attorney costs and fees.

As Plaintiff refuses to cooperate with his Counsel by not participating in discovery, the Court sees no reason to require Counsel to remain retained in this action. Withdrawal of a party’s counsel, however, is not dispositive of the action, and Plaintiff must continue to adhere to the Federal Rules of Civil Procedure, including those governing discovery, as well as the Local Rules of this court. *See Jacobsen v. Filler*, 790 F.2d 1362, 1364-65 (9th Cir. 1986) (holding that pro se parties are not excused from following the rules and orders of the court). If Plaintiff fails to perform in accordance with this Order, the Court will presume that Plaintiff is no longer interested in pursuing his claim and will recommend dismissal of the action in full.

Accordingly and for good cause shown,

IT IS ORDERED that Defendants’ Las Vegas Metropolitan Police Department, a political subdivision of Clark County, Nevada; Douglas C. Gillespie, in his official capacity as Sheriff of the Las Vegas Metropolitan Police Department’s Motion to Compel (#13) and Motion for Attorney Fees and Costs (#14) are GRANTED.

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2 IT IS FURTHER ORDERED that Plaintiff's Counsel's Motion to Withdraw as Attorney (#15) is  
3 GRANTED.

4 IT IS FURTHER ORDERED that:

- 5 1. Within thirty (30) days from the entry of this Order, Plaintiff Bellot must comply with  
6 Defendants' discovery requests as written.  
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8 2. Within thirty (30) days from the entry of this Order, Plaintiff Bellot must pay \$665.00 to  
9 Defendants' Counsel for attorney costs and fees.  
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11 3. The Court Clerk will mail a copy of this Order to Plaintiff Bellot at the following  
12 address:

11 JEDEDIAN BELLOT  
12 2320 Tucumcari Drive, #2027  
13 Las Vegas, NV 89108

14 DATED this 20th day of June, 2013.



15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
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